

Docket No.: OREX.001A

AUG 08 2006

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## AMENDMENT / RESPONSE TRANSMITTAL

Applicant : Weber, et al.  
App. No : 10/828,795  
Filed : April 21, 2004  
For : COMPOSITIONS FOR AFFECTING  
WEIGHT LOSS  
Examiner : Zhang, Nancy L.  
Art Unit : 1614

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*Joseph J. Mallon*  
Joseph J. Mallon, Reg. No. 39,287

## Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing in the above-identified application are the following enclosures:

(X) Response to Restriction Requirement in 2 pages.

The fee has been calculated as shown below:

FEE CALCULATION				
FEE TYPE		FEE CODE	CALCULATION	TOTAL
Excess Claims	4 - 21 = 0	2202 (\$50)	0 x 50 =	\$0
Excess Independent	2 - 5 = 0	2201 (\$200)	0 x 200 =	\$0
			TOTAL FEE DUE	\$0

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OREX.001A

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Examiner : Zhang, Nancy L.  
Group Art Unit: 1614

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RESPONSE TO RESTRICTION REQUIREMENT

United States Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

Dear Sir:

Applicants have received the Office Action of July 27, 2006. Claims 8-11, 19 and 22-37 are currently pending in this application. Since this response is being transmitted to the Office on August 8, 2006, this response is timely filed.

The Office requires restriction to one of the following groups:

Group I: Claims 8-9 and 36-37, drawn to compositions related to naltrexone and bupropion, classified in class 514, subclass 282 and 657.

Group II: Claims 10-11, 19 and 22-35, drawn to a methods of using compositions related to naltrexone and bupropion for weight loss, classified in class 514, subclass 282 and 657.

In response, Applicants hereby elect Group I, Claims 8-9 and 36-37, without traverse, for further prosecution on the merits, and understand that Group II, Claims 10-11, 19 and 22-35, will be withdrawn as being directed to a non-elected invention. Applicants respectfully request rejoinder of Group II upon allowance of Group I.

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Appl. No. : 10/828,795  
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Upon election of Group I, the Office requires election of one of the following species of Group I:

- (A) naltrexone as the 1<sup>st</sup> compound and bupropion as the 2<sup>nd</sup> compound
- (B) a prodrug of naltrexone as the 1<sup>st</sup> compound and bupropion as the 2<sup>nd</sup> compound
- (C) naltrexone as the 1<sup>st</sup> compound and a prodrug of bupropion as the 2<sup>nd</sup> compound
- (D) a prodrug of naltrexone as the 1<sup>st</sup> compound and a prodrug of bupropion as the 2<sup>nd</sup> compound.

In response, Applicants hereby elect species (A), naltrexone as the 1<sup>st</sup> compound and bupropion as the 2<sup>nd</sup> compound, without traverse, for further prosecution on the merits, with the understanding that Applicants will be entitled to consideration of claims to additional species upon allowance of a generic claim. Claims 8-9 and 36-37 read on the elected species.

Applicants reserve the right to file divisional and/or continuation applications containing claims directed to all or part of the subject matter described in the instant application, including the subject matter of any claims amended, withdrawn, or canceled at any time during the prosecution of this application, and thus unclaimed subject matter is not dedicated to the public.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 8 August 2006

By: Joseph J. Mallon  
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